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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3743 }
Attorney }
Docket: 1671-0282 }
Client }
Docket: DEP-538 }
Applicant: Maroney }
Invention: Method and Apparatus for }
Resecting a Greater Tubercle }
From a Humerus of a Patient }
During Performance of a Shoulder }
Replacement Procedure }
Serial No.: 09/767,487 }
Filed: January 23, 2001 }
Examiner: K. Ferko }

Via Facsimile
(703) 308-6916

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PETITIONS OFFICE

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(Date of Deposit)

Paul J. Maginot

Name of person signing this certificate

Paul J. Maginot

Signature of person signing this certificate

**PETITION FOR WITHDRAWAL FROM ISSUANCE UNDER 37 CFR 1.313 FOR
CONSIDERATION OF A REQUEST FOR CONTINUED EXAMINATION**

Hon. Commissioner of Patents and Trademarks
Alexandria, VA

This is a petition for withdrawal of the above-referenced application from
issuance for consideration of a Request for Continued Examination so that
references cited in a corresponding foreign application may be considered.

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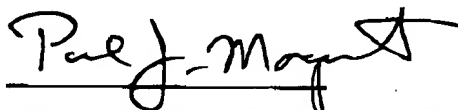
I, Paul J. Maginot, of the firm of Maginot, Moore & Beck, do hereby state and attest to the following:

1. The Issue Fee Transmittal and payment of the issue were filed as evidenced by the attached documents on August 22, 2003 (Exhibit A).
2. On September 7, 2003, a European Search Report was issued by the the European Patent Office in a corresponding foreign application (Exhibit B). Three of the references cited in the European Search Report were classified as being particularly relevant, either alone or in combination with another document.
3. The attached Request for Continued Examination and Supplemental Information Disclosure Statement with its accompanying Form 1449 and copy of a European patent application are being submitted with this petition and authorization is being given for the fee under 37 CFR 1.17(e) (Exhibit C).

In view of the above, it is respectfully requested that the above-referenced patent application be withdrawn from issuance so that the references cited in the European Search Report that are identified in the Supplemental Information Disclosure Statement may be properly considered.

Please charge Deposit Account No. 13-0014 for the petition fee due pursuant to 37 C.F.R. § 1.17(h).

Respectfully submitted,



Paul J. Maginot, Reg. No. 34,984

October 1, 2003

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Attachments: Exhibits A-C